IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 23919 of 2002

Between:

Boya Narsaiah, S/o. late Sri Maisaiah, 60 years,

Occ: Business, R/o. Cheekodu village,

Mustabad Mandal, Karimnagar District.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Sircilla Division,

   Karimnagar District.

2. The Mandal Revenue Officer, Mustabad Mandal,

   Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, or a direction, or a writ more particularly a writ in the nature of mandamus declaring the proceedings No.C/1899/2002, dated 03.10.2002 of the Revenue Divisional Officer, Sircilla Division, Karimnagar District, the first respondent herein cancelling my authorization temporarily without any enquiry pending the fair price shop No.3815, Cheekodu village, Mustabad Mandal, Sircilla Division, Karimnagar District are illegal, arbitrary, wholly without jurisdiction and violative of the principles of natural justice and consequently to quash the same.

Counsel for the Petitioner: MR.P.PRATAP REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following ORDER:

Heard both sides.

The petitioner, who is a Fair Price Shop dealer, filed this writ petition seeking a writ of mandamus declaring the impugned order dated 03.10.2002 passed by the first respondent–Revenue Divisional Officer, Sircilla Division, Karimnagar District cancelling his authorization temporarily without any enquiry in respect of Fair Price Shop No.3815, Cheekodu village, Mustabad Mandal, Sircilla Division as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to quash the same.

The main ground urged on behalf of the petitioner is that first respondent has no power to issue such suspension order, pending enquiry.

This Court, while admitting the writ petition on 29.11.2002, granted interim suspension in W.P.M.P.No.30028 of 2002 and the same is still continuing.

The learned Government Pleader for Civil Supplies appearing on behalf of the respondents submitted that enquiry is still pending.

Having heard the learned counsel on either side and on perusal of the material available on record, it is to be seen that there is no provision under the Control Orders, 2001 enabling the R.D.O to suspend the dealership pending enquiry, and that the suspension provided for is only after enquiry. In the present case, the enquiry is still pending. Therefore, the impugned order is liable to be set aside.

The writ petition is accordingly allowed and the impugned order is set aside. It shall however, open to the respondents to proceed with the enquiry and pass orders in accordance with law. No costs.

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25.10.2004

va

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the twenty fifth day of October, Two Thousand and Four.

To,

1. The Revenue Divisional Officer, Sircilla Division,

   Karimnagar District.

2. The Mandal Revenue Officer, Mustabad Mandal,

   Karimnagar District.

3. Two CCs to G.P for Civil Supplies, High Court of A.P. Buildings, Hyderabad (OUT)

4. Two CD Copies